

IN THE CLAIMS

The pending claims and new claims are as follows:

Claim 19 (Canceled)

20. (Currently amended) The assembly of claim ~~19~~ 41, wherein each slot has a second cutting edge.

Claim 21 (Canceled)

22. (Previously amended) The assembly of claim 20, wherein each slot has opposing cutting edges.

23. (Currently amended) The assembly of claim ~~19~~ 41, wherein the back faces are substantially flat.

24. (Currently amended) The assembly of claim 23, wherein the back faces are substantially smooth.

25. (Currently amended) The assembly of claim ~~19~~ 41, wherein at least a portion of each handle is tapered.

26. (Currently amended) The assembly of claim ~~19~~ 20, wherein each handle has a longitudinal axis and the relative position of the longitudinal axes of the handles are configured at an acute angle when initiating rotation of the heads about the bone plate.

27. (Previously amended) The assembly of claim 26, wherein the angle formed between the handles of each head decreases as the heads are rotated about the bone plate.

28. (Currently amended) The assembly of claim ~~19~~ 27, wherein the heads are disk shaped.

Claims 29-40 (Canceled)

41. (Previously amended) A bone plate cutting assembly for shearing by transverse forces a bone plate having a non-circular cross-section and a longitudinal axis, comprising:

a first shearing element comprising

a handle for manipulation of the first shearing element; and

a first head attached to the handle and having a front face, a back face, and at least one outer surface, the first head having a slot through the front and back faces and extending from the outer surface towards an interior of the first head, the slot extending across about one-half the back face; and

a second shearing element comprising

a handle for manipulation of the second shearing element; and

a second head attached to the handle and having a front face, a back face, and at least one outer surface, the second head having a slot through the front and back faces and extending from the outer surface towards an interior of the second head;

wherein the first and second slots define opposing faces and at least one opposing face of each set of opposing faces intersects the back face of the shearing element to form a bevelled cutting edge and wherein rotation of the first and second heads counter to one another about an axis of rotation with the heads directly touching each other at the cutting edges applies a torsional shearing force on the bone plate and the axis of rotation is selectively located within the first slot.

42. (Previously added) The assembly of claim 41, wherein the first and second heads are unconnected for selectively locating the axis of rotation at two or more locations within the first slot.

43. (Previously added) The assembly of claim 41, wherein the axis of rotation is selectively located about half-way across the back face of the first slot.

44. (Previously added) The assembly of claim 42, wherein the first and second slots define opposing faces and each opposing face of each set of opposing faces intersects the back face of the shearing element to form a bevelled cutting edge.

45. (Previously added) The assembly of claim 43, wherein each set of opposing faces have bevelled cutting edges facing in one direction.

46. (Previously added) The assembly of claim 41, wherein the heads are disk shaped.

47. (Currently amended) The assembly of claim 40 41, wherein the back faces are substantially smooth.

48. (Currently amended) The assembly of claim 40 41, wherein each handle has a longitudinal axis and the relative position of the longitudinal axes of the handles are configured at an acute angle when initiating rotation of the heads about the bone plate.

49. (Previously added) The assembly of claim 48, wherein the angle formed between the handles of each head decreases as the heads are rotated about the bone plate.

50. (Currently amended) The assembly of claim 40 49, wherein the heads are disk shaped.

Claims 51-55 (Canceled)